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February 28, 2007

VIA ELECTRONIC FILING

Honorable Joseph J. Farnan, Jr.
United States District Court
844 N. King Street, 4th floor
Wilmington, DE 19801

RE: Dennis L. Smith v. Ex-Police Chief Guy D. Baynard
C.A. No. 98-639-JJF

Dear Judge Farnan:

This is Defendant's Status Report as requested by the Court's letter of February 20, 2007.

I met with Mr. Smith last week to discuss possible settlement, as well as the option of private mediation. My clients are willing to consider private mediation. I believe the input of a neutral party would be helpful. I have forwarded my clients' written settlement proposal to Mr. Smith.

Based on the Court's Order of February 9, 2004 (D.I. 88) the only remaining defendant is Ex-Police Chief Baynard and plaintiff's only remaining claims are for false arrest. If we are unable to resolve the case in the next few weeks it is unlikely the case can be settled. Defendant therefore requests that the Court set a trial date with respect to the remaining claims.

Respectfully submitted,
/s/ Bruce C. Herron
Bruce C. Herron
Attorney for Defendant

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cc: U.S. District Court Clerk (via first class mail)
Mr. Dennis Smith (via first class mail)

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